

TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



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DECISION

APPLICANT:	L & M High Street Trust
PROJECT ADDRESS:	563 High Street
PROPERTY OWNER:	L & M High Street Trust
CASE #:	VAR-05-12-1524
MAP/LOT:	92/66
ZONING DISTRICT:	Central Business
 DATE OF APPLICATION:	May 18, 2012
DATE OF HEARING:	June 13, 2012
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
 APPLICANT REPRESENTATIVE:	Mark Gottesman
PETITION:	To be allowed a waiver from the Town of Dedham Sign Code to be allowed 170 square feet of total signage instead of the allowed 149.32 square feet of total allowable signage for the property, and 6.8% of allowable wall area instead of the allowed 5% wall area for signage.
 SECTION OF SIGN CODE:	<i>Town of Dedham Sign Code Table 2 Sign Dimensions and Location</i>
 MATERIALS SUBMITTED:	<ul style="list-style-type: none">• ZBA application• Photograph of property with proposed signage for Yoga Now, tenant• Rendering and specifications for Yoga Now sign• Letter of support from Amy Haelsen, Executive Director, Dedham Square Circle, P.O. Box 593, Dedham, MA 02027• Letter of support from the Design Review Advisory Board

The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, June 13, 2012, in the Lower Conference Room, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. The public hearings for this meeting of the ZBA were duly advertised on in the *Dedham Times* in accordance with the requirements of G.L.c. 40A, § 11. The ZBA meeting notice was duly posted in accordance with the provisions of G.L.c. 39, § 23A, as amended.

At 7:45 p.m. on Wednesday, June 13, 2012, the Chairman called for the hearing on the petition of L & M High Street Trust ("Applicant") to be allowed a waiver from the Town of Dedham Sign Code to be allowed a waiver from the Town of Dedham Sign Code to be allowed 170 square feet of total signage instead of the allowed 149.32 square feet of total allowable signage for the property, and 6.8% of allowable wall area instead of the allowed 5% wall area for signage.

The one-and-one-half-page minutes from the hearing are incorporated herein by reference.

The Zoning Board of Appeals is authorized and empowered to grant relief or waivers from the provisions of the Dedham Sign Code pursuant to Section 11.c. of the Dedham Sign Code. This provision sets forth both procedural and substantive requirements for the grant of such waivers or relief. The Applicant indicates that it has satisfied these requirements.

The subject property is known and numbered as 563 High Street, Dedham, MA and is shown on Dedham Assessors' Map 92, Lot 66. The Subject Property contains retail stores. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is occupied by retail stores. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1934.

Mr. Gottesman represented L & M High Street Trust. There are seven or eight stores in the store block owned by the Applicant. There has never been an issue with square footage or calculations in the past. They have now been told that they are in violation of the Sign Code because they have excessive signage for their square footage. He came before the Board primarily on behalf of Nancy Wilson, owner of Yoga Now, who is sharing tenant space with Paradise Café. He stated that her sign is only roughly five feet in size, but there is not enough square footage for a sign. He worked with Richard McCarthy, Planning Director, and was advised to seek an extra 21 square feet of signage for his property. This will ensure that any new tenant will have enough space and the Applicant will not have to return to the Zoning Board of Appeals for another waiver. Mr. Maguire asked whether he would adhere to this in the future, and he said he would. The Design Review Advisory Board has reviewed the sign and approved it. He has a letter of support from Amy Haelsen of the Dedham Square Circle.

No one appeared before the Board to support or oppose the petition.

On a motion made by James F. McGrail, Esq., and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to grant a waiver from the Town of Dedham Sign Code for property located at 563 High Street for total signage area of 170 square feet instead of the allowed 149.32 square feet, with the requirement as proposed by and agreed to by the applicant that he will only have up to two signs on a particular property, never go above 170 square feet, never return to the Zoning Board of Appeals to seek to go above 170 square feet. Mr. McGrail also made a motion to allow a waiver from the Town of Dedham Sign Code for property located at 563 High Street to have 6.8% allowable wall area instead of the allowed 5%. In granting the relief and waivers, the ZBA finds that (1) the Applicant has

satisfied the procedural requirements set forth in the Dedham Sign Code, (2) the relief is recommended by the Design Review Advisory Board and that literal compliance with the provisions of the Sign Code is not practical or is unfeasible, and (3) the same may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Sign Code.

Dated: June 26, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.